

	Application Number	10/784,111
	Filing Date	February 20, 2004
	First Named Inventor	KAMEDA, Masami
	Art Unit	2142
	Examiner Name	Andrew T. Caldwell
Attorney Docket Number		16869S-106900US

ENCLOSURES (Check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition to Make Special for New Application Exhibit A, Table of Contents, and 4 refs. Return Postcard		
<table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td> </tr> </table>			Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	George B. F. Yee		
Date	August 24, 2005	Reg. No.	37,478

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Elizabeth Nesbitt	Date	August 24, 2005

Effective on 12/08/2004.

Subject to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

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Art Unit	2142
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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES Small Entity		SEARCH FEES Small Entity		EXAMINATION FEES Small Entity		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims
 _____ -20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20
Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
 _____ -3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)


Non-English Specification, \$130 fee (no small entity discount)

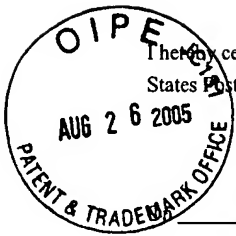
Other: Petition Fee

Fees Paid (\$)

130

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,478	Telephone 650-326-2400
Name (Print/Type)	George B. F. Yee		Date August 24, 2005



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PATENT
Attorney Docket No.: 16869S-106900US
Client Ref. No.: W1413-01EF

8-24-05
TOWNSEND and TOWNSEND and CREW LLP
By: Elizabeth Nesbitt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Masami Kameda

Application No.: 10/784,111

Filed: February 20, 2004

For: Data Transfer Method and System

Customer No.: 20350

Confirmation No. 6926

Examiner: Andrew T. Caldwell

Technology Center/Art Unit: 2142

PETITION TO MAKE SPECIAL FOR
NEW APPLICATION PURSUANT TO
37 C.F.R. § 1.102(d) &
M.P.E.P. § 708.02, Item VIII,
ACCELERATED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition to make special the above-identified application in accordance with MPEP § 708.02, Item VIII, accelerated examination. The application has not received any examination by the Examiner.

(A) The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(h), and any additional fees that may be associated with this petition may be charged to Deposit Account No. 20-1430.

(B) All the claims are believed to be directed to a single invention. If the examiner determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status where the specific grouping of claims will be determined by the examiner.

08/29/2005 MBERHE 00000033 201430 10784111

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(C) A pre-examination search was performed by an independent patent search firm. The pre-examination search includes a classification search, a computer database search, and a keyword search. The classification search covered the following classes and sub-classes:

709/	217, 250
711/	114, 161, 162, 202

Additionally, a computer database search was conducted on the USPTO systems EAST and WEST. The following references were identified in the search report:

- (1) U.S. Patent No.:
6,892,203 Kasako et al.
- (2) U.S. Patent Application Publication Nos.:
2003/0061456 Ofek et al.
2003/0105936 Stakutis et al.
2004/0010669 Nishimura et al.

(D) The above references are enclosed herewith, collectively as Exhibit A.

(E) Set forth below is a detailed discussion of the references, pointing out with particularity how the claimed subject matter recited in the claims, amended according to the preliminary amendment filed herewith, is distinguishable over the references.

Claimed Subject Matter of the Present Invention

Various aspects of the present invention include:

a first feature of the present invention as recited in independent claim 1 wherein a second controller which in response to information that identifies a block from said first controller, identifies a file corresponding to the block using said table and transfers the identified file to said second storage unit using a file transfer protocol,

a second feature of the present invention as recited in independent claim 6 wherein said second controller manages an association between a file composed of a plurality of blocks of data and the blocks of data constituting the file and, upon receiving information identifying a block from said first controller, transfers a file including data of the block to said second storage unit on a file basis, and

a third feature of the present invention as recited in independent claims 10 and 16 wherein information identifying the block addresses is associated with a file identifier for managing file composed of a plurality of blocks on a file basis, wherein, upon receiving information identifying the block address from said controller, a file identifier associated with the information identifying the block address is identified and information identifying a plurality of block addresses associated with the file identifier is notified to said controller and, upon receiving data corresponding to the information identifying a plurality of block addresses from said controller, transfers data to said other computer system on a file basis with the file identifier attached to the data.

U.S. Patent No. 6,892,203 Kasako et al.

The patent to Kasako et al. (6,892,203 B2), assigned to Hitachi, Ltd., provides for a Method Apparatus and System for Remote File Sharing. Discussed is remote file sharing system comprising computer systems 1 and 11. File input/output device 3 is connected to higher level device 2 and file input/output device 13 through LAN 7, 17 and a storage area network both capable of transferring an input/output command and data. For transfer of data between the NAS servers, the LAN is used and for transfer of data between remote double recording devices, SAN is used.

However, the Kasako et al. reference does not teach or suggest the features of the present invention, including identifying a file corresponding to the block using a table, wherein the first controller identifies the block. Nor does the Kasako et al. reference teach or suggest the transferring of the identified file to the second storage unit using a file transfer protocol.

More particularly, the Kasako et al. reference does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6 and the above described third feature of the present invention as recited in independent claim 10 and 16 in combination with the other limitations recited in each of the independent claims.

U.S. Patent Application Publication No. 2003/0061456 Ofek et al.

The patent application publication to Ofek et al. (2003/0061456 A1) provides for an Apparatus and Methods for Copying, Backing up and Restoring Logical Objects in a Computer Storage System by Transferring Blocks out of Order or in Parallel. Discussed is a method of transferring data between primary storage nodes and secondary storage nodes. Primary storage nodes are coupled together through a network. Secondary storage nodes may be used for backup functions. Physical elements (e.g. data blocks) that comprise the logical object (e.g. file) and need to be copied or backed up are identified and transferred. The background section of this application also discusses the backing up of data over a network wherein, the client converts the backup data into file data, i.e. gets the data from the physical storage system level and converts the data into a file format, to be communicated over the network. (See paragraphs 42, 129, 131, 144, 155, 157, and 161)

However, the Ofek et al. reference does not teach or suggest the features of the present invention, including identifying a file corresponding to the block using a table, wherein the first controller identifies the block. Nor does the Ofek et al. reference teach or suggest the transferring of the identified file to the second storage unit using a file transfer protocol.

More particularly, the Ofek et al. reference does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6 and the above described third feature of the present invention as recited in independent claim 10 and 16 in combination with the other limitations recited in each of the independent claims.

U.S. Patent Application Publication No. 2003/0105936 Stakutis et al.

The patent application publication to Stakutis et al. (2003/0105936 A1) provides for Storage Area Network Methods and Apparatus for Logical-to-Physical Block Address Mapping. Discussed is a storage area network wherein a server utilizes a file system that access files on peripheral devices via logical volume identifiers and treats each volume and file as if it were composed of contiguous blocks. A canonical map identifying the physical location(s) on

drives of portion(s) of volumes and, more, typically of a specified file in that volume is generated and transmitted to the client. (See paragraphs 20, 24, 33, and 34)

However, the Stakutis et al. reference does not teach or suggest the features of the present invention, including identifying a file corresponding to the block using a table, wherein the first controller identifies the block. Nor does the Stakutis et al. reference teach or suggest the transferring of the identified file to the second storage unit using a file transfer protocol.

More particularly, the Stakutis et al. reference does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6 and the above described third feature of the present invention as recited in independent claim 10 and 16 in combination with the other limitations recited in each of the independent claims.

U.S. Patent Application Publication No. 2004/0010669 Nishimura et al.

The patent to Nishimura et al. (2004/0010669 A1) provides for Backup Technique for Recording Devices Employing Different Storage Forms. Discussed is a backup system for data stored in block form and file form wherein a storage form converter converts the data from one form to another and a backup manager copies the first data in block form and second data in file form. (See paragraphs 42 and 45)

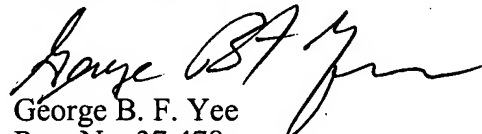
However, the Nishimura et al. reference does not teach or suggest the features of the present invention, including identifying a file corresponding to the block using a table, wherein the first controller identifies the block. Nor does the Nishimura et al. reference teach or suggest the transferring of the identified file to the second storage unit using a file transfer protocol.

More particularly, the Nishimura et al. reference does not teach or suggest the above described first feature of the present invention as recited in independent claim 1, the above described second feature of the present invention as recited in independent claim 6 and the above described third feature of the present invention as recited in independent claim 10 and 16 in combination with the other limitations recited in each of the independent claims.

Conclusion

In view of this comments presented in the instant petition and the claim amendments presented in the accompanying preliminary amendment, the Examiner is respectfully requested to issue a first Office Action at an early date.

Respectfully submitted,


George B. F. Yee
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Attachments
GBFY:cmm
60570986 v1

EXHIBIT A

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